THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 1971 of 2005

Date:05-10-2007

Between:

V. Krishna Reddy ..
PETITIONER

AND

The Mandal Revenue Officer, Kota and another
..
RESPONDENTS

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ORDER:

The petitioner seeks a writ of mandamus to declare the order of the 1st respondent vide Proc.No.L.Pari/598/2004, dated 30.09.2004, as illegal and arbitrary and to direct the respondents to issue pahanies to the petitioner for the years 1985 to 2004 in respect of an extent of Ac.25.37 cents in Sy.Nos. 125, 161, 142, 155-1, 155-2, 154, 10-3, and 10-D situated at Doruvukatta hamlet of Puchalapalli village, Kota mandal, Nellore District.

The case of the petitioner is that he is an agriculturist having land in an extent of Ac.25.37 cents in Sy.Nos. 125, 161, 142, 155-1, 155-2, 154, 10-3, and 10-D situated at Doruvukatta hamlet of Puchalapalli village, Kota mandal, Nellore District which is his ancestral property and he is the only legal heir. It is stated that the petitioner has submitted an application to the first respondent for furnishing copies of pahanies in respect of the said lands for the years 1985 to 2004. But, the first respondent, vide his proceedings No.L.Pari/598/2004 intimated the petitioner that the certified copies of the public documents of the said survey numbers cannot be issued as there is no proof of evidence of right, title and possession of the petitioner over the said survey numbers and as the matter is pending before the Joint Collector relating to the said survey numbers. The petitioner questions the said endorsement, dated 30.09.2004 stating that he is entitled for the public documents and pahanies relating to the said survey numbers.

A counter has been filed by the respondents stating that on verification of the records, the name of the petitioner is not at all found

place in respect of any of the aforesaid survey numbers furnished by him and as per 10(1) account neither the petitioner's name nor his family members is found place and there is no record to show that the petitioner is in enjoyment and occupation of the said property and further their names were also not found in column Nos.12 and 13 of the village account No.3. The Settlement Officer-cum-Joint Collector rejected ryotwari patta in favour of Duvvur Pola Reddy and in fact, the public documents required by the petitioner and the survey numbers covered with ryotwari patta were rejected by the Settlement Officer-cum-Joint Collector and the Mandal Revenue Officer has also filed revision before the Director of Settlements, A.P. Hyderabad against the orders of the Settlement Officer, Nellore in R.P.No.4 of 1994 and the Director of Settlement Officer remanded the case to the Settlement Officer-cum-Joint Collector and the same is pending before the Joint Collector.

I am of the opinion that there cannot be any objection to furnish the certified copies of pahanies in respect of the entries as to whether the name of the petitioner or his forefathers is entered or not.

Having regard to the facts of the case, the petitioner is permitted to file a fresh application before the first respondent and on such filing of the application, the first respondent shall furnish the required documents after collecting the requisite fee.

With the aforesaid directions, the writ petition is disposed of. No costs.

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V.ESWARAIAH, J.

Date:05.10.2007
ccm